

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

CASE NO. 8:08-cr-441-T-17MAP

PHILIP WILLIAM COON

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**MOTION BY ADDITIONAL COAST BANK BORROWERS TO JOIN IN MOTION TO
HAVE COAST BANK BORROWERS RECOGNIZED AS CRIME VICTIMS PURSUANT
TO TITLE 18, UNITED STATES CODE, SECTION 3771 AND INCORPORATED
MEMORANDUM OF LAW**

Previously 104 Coast Bank of Florida borrowers moved this court for an order, pursuant to the Crime Victim's Rights Act (CVRA), identifying them as victims in this case. As evidentiary support, the motion included three loan documents from Simon Kew, one of the borrowers. On November 14, 2008, the court entered an order denying that motion (dkt. #17).

The Coast Bank of Florida borrowers listed on the attached Exhibit "A" (hereinafter "Borrowers") move to join in that motion, since they are similarly situated to the other borrowers. Janis Stewart, mentioned in the Criminal Information and the Plea Agreement, is one of the Borrowers joining in this motion. Borrowers move that the attached four loan documents (Exhibits "B" through "E") for Janis Stewart be included in the record in this case, as examples of the same type of loss from the crime as was caused to Simon Kew and the other borrowers. Stewart also faced foreclosure proceedings on the property as reflected in Exhibit "F." For the same reasons as articulated by the other borrowers,

Borrowers move that they be identified as a “victims” under the CVRA as well. Borrowers recognize that the court will deny their motion to be recognized as victims based on its previous ruling, but this assertion of their rights and its denial will serve to place them in the case and protect their right to possible appellate review.

CONCLUSION

For the foregoing reasons, Borrowers should be permitted to join in the motion of the other 104 Coast Bank borrowers to be recognized as victims in this case and to have the documents surrounding Janis Stewart’s loan entered in the record in this case.

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing on November 20, 2008, with the Clerk of Court using the CM/ECF system which will send a notice of electronic filing to Rachelle DesVaux Bedke, Assistant United States Attorney, (rachelle.bedke@usdoj.gov); James E. Felman, Kynes, Markman & Felman, PA, (jfelman@kmf-law.com), counsel for defendant; and Marcelino J. Huerta, III, (huertalaw@lawyers.com), counsel for defendant and a true and correct copy of the foregoing was furnished by regular U.S. mail to David Tremmel, Federal Probation Officer, Post Office Box 3905, Tampa, FL 33601.

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